



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,887	09/21/2001	Frank Chen	CHEN3289/EM/7230	2426

23364 7590 03/29/2004

BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314

EXAMINER
----------

GOODWIN, JEANNE M

ART UNIT	PAPER NUMBER
----------	--------------

2841

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/956,887

Applicant(s)

CHEN ET AL.

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,005,571 to Wolff [hereinafter Wolff].

Wolff discloses in Figs. 1 and 3 an elapsed time reminder device counting down to an END/integral time point comprising manual inputs in the form of "START" and "END" calculated in terms of years, months, days, hours, minutes, seconds and even lower (see column 2, lines 43-48); a precision crystal controlled electronic clock (10), a timer circuit (11), a plurality of counters (12-15), wherein each of these four counters is provided with an associated manual selector switch (16-19 and 21-23, 32) for entering both the START time and the END time, wherein the circuitry of Fig. 1 calculates the difference between the two dates and entering the number, a visual indication or display when the END time arrives by means of LED or LCD display (76, 77), as well as providing an audible warning or indication when the preselected END time has arrived. For additionally warning or signaling the user that the desired time has finally arrived, the preferred visual display circuit also commences to operate in a flashing mode, cycling at a rate of once every other second. Still further, an audible signaling device such as a horn or buzzer (85) is energized to notify the user that the END time has arrived.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff.

Wolff discloses a device as stated above with regards to claims 1-3 and 5-9 as stated above. Wolff discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 4, i.e., the integral time point is on the hour, half hour and quarter hour.

With respect to the limitation stated in claim 4: the limitations in this claim, absent any criticality, are only considered to be “optimum” values of the integral time point disclosed by Wolf, as stated above, that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on the desired accuracy, manufacturing costs, etc. See *In re Boesch*, 205 USPQ 215 (CCPA 1980).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of US Patent 4,195,220 to Bristol et al. [hereinafter Bristol].

Wolff discloses a device as stated above with regards to claims 1-3 and 5-9 as stated above. Wolff discloses all the subject matter claimed by applicant with the exception of the limitations stated in claim 10, i.e., the integral time point selector includes a buffer for buffering the set integral time points, which are used to set at least an hour countdown, a half hour countdown, and an quarter hour countdown.

With respect to the limitation stated in claim 10: Bristol discloses an elapsed time recorder using a buffer to serve as a temporary storage space for data via counters for further

Art Unit: 2841

calculations (see column 22, lines 60-65). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the buffer, as taught by Bristol, to the plurality of counters, as taught by Wolff, to serve as a temporary storage space for data via counters for further calculations.

With respect to the limitation stated in claim 10: the limitations in this claim, absent any criticality, are only considered to be “optimum” values of the integral time point disclosed by Wolf, as stated above, that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on the desired accuracy, manufacturing costs, etc. See *In re Boesch*, 205 USPQ 215 (CCPA 1980).

### ***Inventorship***

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Response to Arguments***

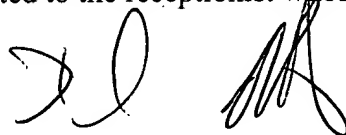
7. Applicant's arguments filed Dec. 30, 2003 have been fully considered but they are not

Art Unit: 2841

persuasive. Contrary to applicant's belief, Wolf does disclose counting down to a more precise time intervals less than one day to hours, minutes seconds or even a lesser measure of time. The particular values as claimed by applicant are merely "optimum" values of the integral time point disclosed by Wolf, as stated above. Furthermore, claim 1 does not recite the next integral time point is selected from a plurality of predetermined integral time points as applicant suggest in the arguments.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.



JMG  
March 22, 2004

DAVID MARTIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800